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**SUBJECT** Appeal Brief (09/997,960)

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**Number of Pages** 36

**Date** 12/23/2005

## MESSAGE

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This fax transmission contains:

1. one copy of a Fax Transmittal Form;
2. two copies of a Fee Transmittal Letter, including fee; and
3. three copies of the Appeal Brief.

Volel

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DEC 23 2005

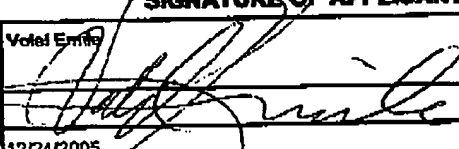
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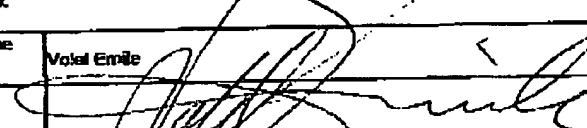
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/897,880
	Filing Date	11/29/2001
	First Named Inventor	Bupesh Gupta
	Art Unit	2178
	Examiner Name	Adam L. Benveniste
	Attorney Docket Number	AUS920011025U31
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Appeal Brief.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Volei Emile	
Signature		
Date	12/24/2005	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Volei Emile		
Signature		Date	12/24/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Appl. No. 09/997,960  
Appeal Brief dated 12/23/2005  
Reply to Office Action of 08/24/2005**

DEC 23 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :  
 Bhupesh Gupta :  
 : Before the Examiner:  
 Serial No: 09/997,960 : Adam L. Basehoar  
 :  
 Filed: 11/29/2001 : Group Art Unit: 2178  
 :  
 Title: APPARATUS AND METHOD : Confirmation No.: 4916  
 OF LINKING SUB-FOLDERS IN A :  
 BOOKMARK FOLDER :

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached is Appellant's Brief, in triplicate, from a decision of the Examiner dated 08/24/2005, finally rejecting the claims in the Application.

The item(s) marked below are appropriate:

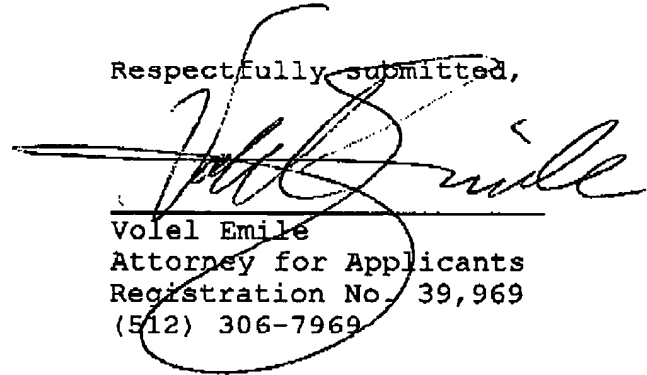
1. \_\_\_\_\_ A petition and fee for extension of term for  
reply to the final rejection is attached.
2.   X   Appeal fee
- \_\_\_\_\_   X   other than a small entity. Fee: \$500.00
3.   X   Payment
- \_\_\_\_\_   X   Please charge Deposit Account 09-0447 the  
sum of \$500.00. A duplicate of this notice  
is attached.

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Appl. No. 09/997,960  
Appeal Brief dated 12/23/2005  
Reply to Office Action of 08/24/2005

The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,



Volel Emile  
Attorney for Applicants  
Registration No. 39,969  
(512) 306-7969

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Appl. No. 09/997,960  
Appeal Brief dated 12/23/2005  
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DEC 23 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of: :  
Bhupesh Gupta :  
Serial No: 09/997,960 : Before the Examiner:  
 : Adam L. Basehoar  
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Title: APPARATUS AND METHOD : Confirmation No.: 4916  
OF LINKING SUB-FOLDERS IN A :  
BOOKMARK FOLDER :

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated August 24, 2005 of Claims 1 - 25 of Application Serial Number 09/997,960 filed on November 29, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on November 18, 2005 in accordance with 37 C.F.R. 1.192.

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Appl. No. 09/997,960  
Appeal Brief dated 12/23/2005  
Reply to Office Action of 08/24/2005

BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1 - 25 have been finally rejected in an Office Action dated August 24, 2005.

(4)

Status of Amendment

All amendments have been entered.

(5)

Summary of the Invention

According to the teachings of the invention, a user may link one bookmark sub-folder to another. When one (a first) bookmark sub-folder is linked to another (a second) bookmark sub-folder, the bookmarks stored in the first

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Appl. No. 09/997,960  
Appeal Brief dated 12/23/2005  
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bookmark subfolder are copied into the second bookmark subfolder (page 13, lines 7 - 13, page 19, lines 19 - 21).

(6)

Issues

**Whether Claims 1 - 25 were properly rejected under 103 as being unpatentable over Microsoft FrontPage Screen Shots in view of Khan**

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

Argument

In considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

The Examiner rejected Claims 1 - 25 under 35 U.S.C. §103(a) as being unpatentable over Microsoft FrontPage 12/31/99, Screen Shots pp 1 -7 in view of Khan. Applicants respectfully disagree.

In the Microsoft FrontPage Screen Shots, a first subfolder is shown to be copied into a second sub-folder. But note that this is a sub-folder that is copied into another sub-folder. It is not the content of a first sub-folder that is copied into a second sub-folder. More

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Appl. No. 09/997,960  
Appeal Brief dated 12/23/2005  
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specifically, it is not **a copy of the bookmarks stored in the first sub-folder that is stored into the second sub-folder** as claimed.

Consequently, if one were to access the second sub-folder, the original content of the second sub-folder and the first sub-folder (and not the content of the first sub-folder) would be displayed.

According to Khan, a web directory is typically compiled by listing any and all sites submitted for inclusion under a category by their webmaster. Users of such directories are restricted to the categorization set once and for all by the webmaster. Because of this, users wishing to add sites to such directories are unable to create their own custom category under which to put a new site. Thus, Khan purports to teach a method for generating a prioritized network site directory.

According to the teachings of Khan, a link to a site on a network is generated. The site is then added to a site directory that includes a set of categories. The site is categorized into one of the categories of the site directory. The site is also ranked in the category. Further, the site is compared with pre-existing sites in the site directory wherein a notification is generated if the site matches one of the pre-existing sites of the site directory.

But, just as in the case of the Microsoft FrontPage Screen Shots, Khan does not teach the step of **creating a copy of bookmarks stored in a first sub-folder** and of **storing the copy into a second sub-folder** as claimed.

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Appl. No. 09/997,960  
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Since neither the Microsoft FrontPage Screen Shots nor Khan teaches a method of making ***a copy of bookmarks stored in a first sub-folder and storing the copy into a second sub-folder***, Applicants submit that Claim 1 and its dependent claims should be allowable over the cited references. Independent Claims 7, 13 and 19 and their respective dependent claims, which all incorporate the above-emboldened-italicized limitations, should be allowable as well. Claim 25 also contains the above-referenced limitations and should also be allowable. Therefore, Applicants once more respectfully request reconsideration, allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile  
Attorney for Applicants  
Registration No. 39,969  
(512) 306-7969

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Appeal Brief dated 12/23/2005  
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#### APPENDIX

1. (Previously presented) A computer implemented method of linking a first sub-folder to a second sub-folder in a bookmark folder comprising the steps of:

creating a copy of bookmarks stored in the first sub-folder; and

storing the copy into the second sub-folder.

2. (Previously presented) The computer implemented method of Claim 1 further including the step of marking said copy as having been originated from said first sub-folder.

3. (Previously presented) The computer implemented method of Claim 2 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.

4. (Previously presented) The computer implemented method of Claim 3 wherein the distinguishing manner includes displaying the copy under a title.

5. (Previously presented) The computer implemented method of Claim 4 wherein the title is the name of the first sub-folder.

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Appl. No. 09/997,960  
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6. (Previously presented) The computer implemented method of Claim 5 wherein the distinguishing manner includes highlighting the copy.
7. (Original) A computer program product on a computer readable medium for linking a first sub-folder to a second sub-folder in a bookmark folder comprising:  
  
code means for creating a copy of bookmarks stored in the first sub-folder; and  
  
code means for storing the copy into the second sub-folder.
8. (Original) The computer program product of Claim 7 further including code means for marking said copy as having been originated from said first sub-folder.
9. (Original) The computer program product of Claim 8 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.
10. (Original) The computer program product of Claim 9 wherein the distinguishing manner includes displaying the copy under a title.
11. (Original) The computer program product of Claim 10 wherein the title is the name of the first sub-folder.

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Appl. No. 09/997,960  
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12. (Original) The computer program product of Claim 11 wherein the distinguishing manner includes highlighting the copy.

13. (Previously presented) A computer implemented apparatus for linking a first sub-folder to a second sub-folder in a bookmark folder comprising:

means for creating a copy of bookmarks stored in the first sub-folder; and

means for storing the copy into the second sub-folder.

14. (Previously presented) The computer implemented apparatus of Claim 13 further including means for marking said copy as having been originated from said first sub-folder.

15. (Previously presented) The computer implemented apparatus of Claim 14 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.

16. (Previously presented) The computer implemented apparatus of Claim 15 wherein the distinguishing manner includes displaying the copy under a title.

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Appl. No. 09/997,960  
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17. (Previously presented) The computer implemented apparatus of Claim 16 wherein the title is the name of the first sub-folder.

18. (Previously presented) The computer implemented apparatus of Claim 17 wherein the distinguishing manner includes highlighting the copy.

19. (Original) A computer system for linking a first sub-folder to a second sub-folder in a bookmark folder comprising:

at least one memory device for storing code data; and

at least one processor for processing said code data to create a copy of bookmarks stored in the first sub-folder and to store the copy into the second sub-folder.

20. (Original) The computer system of Claim 19 wherein the processor processes the code data to further mark said copy as having been originated from said first sub-folder.

21. (Original) The computer system of Claim 20 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.

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Appl. No. 09/997,960  
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22. (Original) The computer system of Claim 21 wherein the distinguishing manner includes displaying the copy under a title.
23. (Original) The computer system of Claim 22 wherein the title is the name of the first sub-folder.
24. (Original) The computer system of Claim 23 wherein the distinguishing manner includes highlighting the copy.
25. (New) A computer implemented method of linking a first sub-folder to a second sub-folder in a bookmark folder comprising the steps of:

copying all bookmarks stored in the first sub-folder into the second sub-folder; and

assembling all bookmarks originally stored in the second sub-folder into a first group and the bookmarks copied into the second sub-folder into a second group in the second sub-folder such that when the second sub-folder is opened only bookmarks are displayed, the bookmarks in the first group being highlighted to distinguish the bookmarks in the first group from the bookmarks in the second group.

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**Appl. No. 09/997,960**  
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**Reply to Office Action of 08/24/2005**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 Bhupesh Gupta :  
 : Before the Examiner:  
 Serial No: 09/997,960 : Adam L. Basehoar  
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 Filed: 11/29/2001 : Group Art Unit: 2178  
 :  
 Title: APPARATUS AND METHOD : Confirmation No.: 4916  
 OF LINKING SUB-FOLDERS IN A :  
 BOOKMARK FOLDER :

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated August 24, 2005 of Claims 1 - 25 of Application Serial Number 09/997,960 filed on November 29, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on November 18, 2005 in accordance with 37 C.F.R. 1.192.

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BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

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Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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#### APPENDIX

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2. (Previously presented) The computer implemented method of Claim 1 further including the step of marking said copy as having been originated from said first sub-folder.
3. (Previously presented) The computer implemented method of Claim 2 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.
4. (Previously presented) The computer implemented method of Claim 3 wherein the distinguishing manner includes displaying the copy under a title.
5. (Previously presented) The computer implemented method of Claim 4 wherein the title is the name of the first sub-folder.

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12. (Original) The computer program product of Claim 11 wherein the distinguishing manner includes highlighting the copy.

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15. (Previously presented) The computer implemented apparatus of Claim 14 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.

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17. (Previously presented) The computer implemented apparatus of Claim 16 wherein the title is the name of the first sub-folder.
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at least one memory device for storing code data; and  
  
at least one processor for processing said code data to create a copy of bookmarks stored in the first sub-folder and to store the copy into the second sub-folder.
20. (Original) The computer system of Claim 19 wherein the processor processes the code data to further mark said copy as having been originated from said first sub-folder.
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22. (Original) The computer system of Claim 21 wherein the distinguishing manner includes displaying the copy under a title.

23. (Original) The computer system of Claim 22 wherein the title is the name of the first sub-folder.

24. (Original) The computer system of Claim 23 wherein the distinguishing manner includes highlighting the copy.

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(5)

Summary of the Invention

According to the teachings of the invention, a user may link one bookmark sub-folder to another. When one (a first) bookmark sub-folder is linked to another (a second) bookmark sub-folder, the bookmarks stored in the first

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bookmark subfolder are copied into the second bookmark subfolder (page 13, lines 7 - 13, page 19, lines 19 - 21).

(6)

Issues

**Whether Claims 1 - 25 were properly rejected under 103 as being unpatentable over Microsoft FrontPage Screen Shots in view of Khan**

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

Argument

In considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

The Examiner rejected Claims 1 - 25 under 35 U.S.C. §103(a) as being unpatentable over Microsoft FrontPage 12/31/99, Screen Shots pp 1 -7 in view of Khan. Applicants respectfully disagree.

In the Microsoft FrontPage Screen Shots, a first subfolder is shown to be copied into a second sub-folder. But note that this is a sub-folder that is copied into another sub-folder. It is not the content of a first sub-folder that is copied into a second sub-folder. More

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specifically, it is not **a copy of the bookmarks stored in the first sub-folder that is stored into the second sub-folder** as claimed.

Consequently, if one were to access the second sub-folder, the original content of the second sub-folder and the first sub-folder (and not the content of the first sub-folder) would be displayed.

According to Khan, a web directory is typically compiled by listing any and all sites submitted for inclusion under a category by their webmaster. Users of such directories are restricted to the categorization set once and for all by the webmaster. Because of this, users wishing to add sites to such directories are unable to create their own custom category under which to put a new site. Thus, Khan purports to teach a method for generating a prioritized network site directory.

According to the teachings of Khan, a link to a site on a network is generated. The site is then added to a site directory that includes a set of categories. The site is categorized into one of the categories of the site directory. The site is also ranked in the category. Further, the site is compared with pre-existing sites in the site directory wherein a notification is generated if the site matches one of the pre-existing sites of the site directory.

But, just as in the case of the Microsoft FrontPage Screen Shots, Khan does not teach the step of **creating a copy of bookmarks stored in a first sub-folder** and of **storing the copy into a second sub-folder** as claimed.

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Since neither the Microsoft FrontPage Screen Shots nor Khan teaches a method of making ***a copy of bookmarks stored in a first sub-folder and storing the copy into a second sub-folder***, Applicants submit that Claim 1 and its dependent claims should be allowable over the cited references. Independent Claims 7, 13 and 19 and their respective dependent claims, which all incorporate the above-emboldened-italicized limitations, should be allowable as well. Claim 25 also contains the above-referenced limitations and should also be allowable. Therefore, Applicants once more respectfully request reconsideration, allowance and passage to issue of the claims in the application.

Respectfully submitted,

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#### APPENDIX

1. (Previously presented) A computer implemented method of linking a first sub-folder to a second sub-folder in a bookmark folder comprising the steps of:  
  
creating a copy of bookmarks stored in the first sub-folder; and  
  
storing the copy into the second sub-folder.
2. (Previously presented) The computer implemented method of Claim 1 further including the step of marking said copy as having been originated from said first sub-folder.
3. (Previously presented) The computer implemented method of Claim 2 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.
4. (Previously presented) The computer implemented method of Claim 3 wherein the distinguishing manner includes displaying the copy under a title.
5. (Previously presented) The computer implemented method of Claim 4 wherein the title is the name of the first sub-folder.

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6. (Previously presented) The computer implemented method of Claim 5 wherein the distinguishing manner includes highlighting the copy.
7. (Original) A computer program product on a computer readable medium for linking a first sub-folder to a second sub-folder in a bookmark folder comprising:  
  
code means for creating a copy of bookmarks stored in the first sub-folder; and  
  
code means for storing the copy into the second sub-folder.
8. (Original) The computer program product of Claim 7 further including code means for marking said copy as having been originated from said first sub-folder.
9. (Original) The computer program product of Claim 8 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.
10. (Original) The computer program product of Claim 9 wherein the distinguishing manner includes displaying the copy under a title.
11. (Original) The computer program product of Claim 10 wherein the title is the name of the first sub-folder.

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12. (Original) The computer program product of Claim 11 wherein the distinguishing manner includes highlighting the copy.
13. (Previously presented) A computer implemented apparatus for linking a first sub-folder to a second sub-folder in a bookmark folder comprising:
- means for creating a copy of bookmarks stored in the first sub-folder; and
- means for storing the copy into the second sub-folder.
14. (Previously presented) The computer implemented apparatus of Claim 13 further including means for marking said copy as having been originated from said first sub-folder.
15. (Previously presented) The computer implemented apparatus of Claim 14 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.
16. (Previously presented) The computer implemented apparatus of Claim 15 wherein the distinguishing manner includes displaying the copy under a title.

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17. (Previously presented) The computer implemented apparatus of Claim 16 wherein the title is the name of the first sub-folder.
18. (Previously presented) The computer implemented apparatus of Claim 17 wherein the distinguishing manner includes highlighting the copy.
19. (Original) A computer system for linking a first sub-folder to a second sub-folder in a bookmark folder comprising:  
  
at least one memory device for storing code data; and  
  
at least one processor for processing said code data to create a copy of bookmarks stored in the first sub-folder and to store the copy into the second sub-folder.
20. (Original) The computer system of Claim 19 wherein the processor processes the code data to further mark said copy as having been originated from said first sub-folder.
21. (Original) The computer system of Claim 20 wherein when the second sub-folder is accessed the bookmarks originally stored therein and the copy are displayed in a distinguishing manner.

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22. (Original) The computer system of Claim 21 wherein the distinguishing manner includes displaying the copy under a title.
23. (Original) The computer system of Claim 22 wherein the title is the name of the first sub-folder.
24. (Original) The computer system of Claim 23 wherein the distinguishing manner includes highlighting the copy.
25. (New) A computer implemented method of linking a first sub-folder to a second sub-folder in a bookmark folder comprising the steps of:

copying all bookmarks stored in the first sub-folder into the second sub-folder; and

assembling all bookmarks originally stored in the second sub-folder into a first group and the bookmarks copied into the second sub-folder into a second group in the second sub-folder such that when the second sub-folder is opened only bookmarks are displayed, the bookmarks in the first group being highlighted to distinguish the bookmarks in the first group from the bookmarks in the second group.

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